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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,807	01/29/2004	Konstantin E. Moskvitin	00100.03.0017	5567

29153 7590 12/28/2007  
ADVANCED MICRO DEVICES, INC.  
C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.  
222 N.LASALLE STREET  
CHICAGO, IL 60601

EXAMINER
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BLOOM, NATHAN J

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/767,807

Applicant(s)

MOSKVITIN, KONSTANTIN E.

Examiner

Nathan Bloom

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6, 8-11,14, 16-17,22,24 and 25 is/are allowed.
- 6) ☒ Claim(s) 18-21 and 26 is/are rejected.
- 7) ☒ Claim(s) 7,13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicants' response to the last Office Action, filed on September 24<sup>th</sup>, 2007 has been entered and made of record.

Applicants' amendment had required new grounds of rejection. New grounds of rejection are therefore presented in the Office Action.

#### *Claim Objections*

1. Claims 7, 13, and 15 are objected to because of the following informalities: These claims are dependent on cancelled claims 2, 12, and 12 respectively. In the interest of furthering the prosecution of the case the dependency of claims 7, 13, and 15 will be changed to their perceived proper dependency, which is 1, 11, and 11 respectively. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 26 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification filed 01/29/2004 (will refer to sections of PG-PUB US2005/0169538). In that paper, applicant has stated in the algorithm listed and described in paragraphs 0032+ that the new center pixel value is based on the *count* value and the *accumulation* value *without* using the older

center pixel value, and this statement indicates that the invention is different from what is defined in the claim because claim 26 states that the output center pixel value is based on the *compare pixel* values *without* using the center pixel value. This statement differs from the teachings within the specification which require that the accumulation of values be the accumulation of pixel values that are being compared and not the actual difference values (compare pixel values) that claim 26 appears to be referring to. In fact it appears that the invention will not perform the desired enhancement with the language of claim 26 since it will only replace the value of the center pixel with an average of the difference values and not an average pixel value.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 6195467) in view of Kempf (US 2003/0156301) in further view of Yano (US 7031551).

Instant claims 18-21: Examiner maintains the rejection of claims 18-21 and 24-25 made in the Non-Final Rejection filed 05/23/2007.

***Response to Arguments***

5. Applicant's arguments filed on 09/24/2007 have been fully considered but they are not persuasive with regards to the subject matter described in claims 18-21.

6. In response to applicant's argument that Chan and Yano are not properly combinable because they contradict one another, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Furthermore, examiner combined the teachings of Chan and Yano with Kempf to form the 103(a) rejection. As per the rejection of claim 1:

*Kempf teaches in paragraph 0092 the filtering of a sub-image region wherein the difference between the center and surrounding pixels is below a certain edge threshold. This threshold limits the filtering to only regions of pixels with similar values, and thus prevents the undesired smoothing of certain pixels that would reduce the sharpness of the image. Based on the teachings of Kempf it would have been obvious to adapt the threshold taught by Chan to include or exclude pixels based on another known criteria such as the filtering of only similar pixels.*

Thus it has been acknowledged that the threshold requirements are different between Chan and the application but it is not central to this rejection that Yano does not teach the proper thresholding. This is because Yano is relied upon for the teaching that one of ordinary skill in

the art would have known to average the accumulated value by the number of pixel differences used in the accumulation. Also, with the teaching of Kempf it was shown that the one of ordinary skill in the art understands the effect threshold requirements have on the type of filtering or enhancement effect being performed. Thus this and the applicants arguments with regards to the combination of Chan and Yano based on the fact that they teach different thresholding is not considered relevant to the rejection as these teachings do not affect the portions of the teachings relied upon as citation of the knowledge of one of ordinary skill in the art in averaging techniques.

*Allowable Subject Matter*

7. Claims 1, 3-6, 8-11, 14, 16-17, 22, and 24-25 are allowed.
8. The following is an examiner's statement of reasons for allowance: Claims 1, 11, 22 contain the additional limitation that the center pixel value is not used when the count value has been incremented. The cited and known prior art teaches the addition of the averaged difference values to the center pixel value to create a new pixel value, and thus it is clear that this prior art does not teach "not using the center pixel value" in the calculation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Claims 7, 13, and 15 are objected to as being dependent upon a cancelled claim, but would be allowable if rewritten in a dependent form including all of the limitations of base claims 1, 11, and 11 respectively.

10. Claim 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

Application/Control Number:  
10/767,807  
Art Unit: 2624

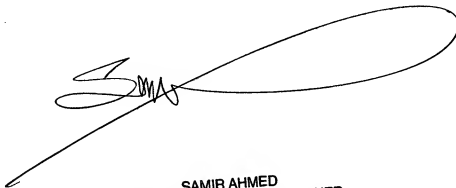
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Bloom whose telephone number is 571-272-9321. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed, can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NB

A handwritten signature in black ink, consisting of a stylized 'S' followed by a large, elongated oval loop.

**SAMIR AHMED**  
**SUPERVISORY PATENT EXAMINER**